



# WISCONSIN REGULATORY DIGEST

A Publication of the  
**DEPARTMENT OF REGULATION AND LICENSING FOR PRIVATE DETECTIVES**  
**Volume 12, No. 2      AND PRIVATE DETECTIVE AGENCIES      November, 2000**

## Licensing Statistics

The number of active licensees and permit holders, as of November 1, 2000:

Private detective agencies:	481
Private detectives:	719
Private security permits:	5281

## Complaints Against Private Detectives

Complaint Statistics for 2000 (1/1/00 to 10/17/00)

Complaints Received -	10
Complaints Closed After Screening -	5
Complaints Closed After Investigation -	2
Complaints Closed With Formal Action -	0

Note: The number of complaints closed includes complaints prior to 2000.

## PRIVATE DETECTIVE ADVISORY COMMITTEE

### Members of the Committee:

Johnny Cash (Sun Prairie)  
David S. Cihlar (Oshkosh)  
James Gilboy (Hales Corners)  
Robert F. Hoeg (Madison)  
Paul C. Klumb (Chenequa)  
James M. Krause (Menomonee Falls)  
Karen Morales (Milwaukee)  
Edward J. O'Brien (Holmen)  
Gary Peterson (Eau Claire)  
John R. Schatzman (Milwaukee)  
Steven T. Watson (Madison)

### Administrative Staff:

Cletus J. Hansen, Division Administrator

### Executive Staff:

Marlene A. Cummings, Secretary  
William Conway, Deputy Secretary  
Myra Shelton, Executive Assistant

## Carrying A Concealed Firearm

It is illegal for a licensed private detective to carry a concealed firearm while on duty as a private detective or a private security person, unless the person is a peace officer. The law does not allow anyone else to carry a concealed firearm, even a licensed private detective who provides executive protection. As a matter of fact, a licensed private detective may only carry a non-concealed firearm when on duty as a private security person and in uniform. A licensed private detective may not carry a non-concealed firearm when on duty as a **private detective**, unless he or she is a peace officer.

## Two Licenses Needed

An individual who operates a private detective agency as a sole proprietor or as an officer of a business entity must have two licenses if he or she personally engages in private detective activities. The individual must have both a private detective agency license and a private detective license.

A private detective may only provide private detective services under a licensed private detective agency – either his or her own agency or that of another person.

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### **Credential Holder Query**

Be sure to check out the department's new credential holder query feature on the Internet. You will find it at <<http://www.drl.state.wi.us>>. By accessing this site you will be able to verify whether an individual or business entity holds or has held a license in any of the professions regulated by the department.

### **Lists of Registrants**

The department will soon be implementing 1999 Wisconsin Act 88, which limits the disclosure of personal identifiers by the department on lists that contain the personal identifiers of 10 or more individuals. A "personal identifier" is a name, social security number telephone number, street address, post office box number or 9-digit extended zip code. Thus, any form that the department requires you to complete, in order to apply for or renew a credential, must include a place for you to declare that the personal identifiers collected on the form may not be disclosed on any list that the department or a credentialing board furnishes to another person. If you complete such a declaration the department will not be permitted to disclose your personal identifiers on such lists. Exception: lists furnished to another state agency, a law enforcement agency or a federal governmental agency.

### **Reports of Decisions**

The Department of Regulation and Licensing publishes the Reports of Decisions on a monthly basis. They contain disciplinary orders issued by the professional regulatory boards and by the Department. Orders from December, 1998, to the current month are now available at the following Web address: <http://www.drl.state.wi.us/>

The Reports of Decisions include final orders issued by the Department of Regulation and Licensing and the boards attached to the Department. Decisions routinely included are decisions in cases initiated by the filing of a formal complaint or petition for summary suspension, disciplinary decisions reached through stipulation, cases dismissed without discipline, interim orders staying imposition of discipline, orders modifying limitations previously imposed and court decisions relating to orders issued by the Department or a Board. This report does not include decisions to deny or grant an initial credential application or renewal application unless the grant or denial followed a hearing and relates to a ground for discipline. Reports are prepared each month and take about four weeks to process from the close of the reporting period.

### **Private Detective Advisory Committee**

The Committee had three meetings since the last issue of the Regulatory Digest was printed. The following items have been taken from the Committee's minutes.

**MOTION:** John Schatzman moved, seconded by James Gilboy, to accept the conditions for carrying concealed weapons by licensed private detectives listed on the September 5, 2000, memo, with the inclusion of the requirement for individuals to have written permission of the agency owner to carry a concealed weapon. Motion carried unanimously. (9/20/00) [Editor's note: Legislation would be required to change the current law.]

**MOTION:** John Schatzman moved, seconded by Gary Peterson, that the Committee has reviewed the licensing exam and hereby agrees that the contents of the exam are acceptable and that a new task analysis is not necessary; however, the Committee recommends updating the exam in regards to electronic communications and personal privacy Motion carried unanimously. (9/20/00)

**MOTION:** Karen Morales moved, seconded by James Gilboy, to proceed with the creation of a two-sided computer-generated license for photo identification to be used by all licensed private detectives. Motion carried unanimously. (9/20/00)

**MOTION:** Steve Watson moved, seconded by Robert Hoeg, to eliminate item #10 of the conditions for carrying concealed weapons, change item #7 to 36 hours for defense and arrest tactics (DAAT) and firearms training, and change item #3 from \$25 to \$250 for the initial and biennial concealed carry permit fee. Motion carried unanimously. (5/17/00)

**MOTION:** Steve Watson moved, to require all private detective agencies to have a written continuing education policy on record, unique to the individual agency and each licensed private detective must attend a class, seminar, talk, etc. per year that is reasonably related to their profession. The motion was withdrawn for lack of a second. (5/17/00)

**MOTION:** John Schatzman moved, seconded by Robert Hoeg, that the Private Detective Advisory Committee supports agencies promoting continuing education within their agency and establishing a policy for continuing education within their own agency. Motion carried with 5 "yes" votes and 2 "no" votes. (5/17/00)

### **Private Security Advisory Committee**

The Private Security Advisory Committee has had two meetings since the last issue of the Regulatory Digest was prepared.

**MOTION:** Mark Kirch moved, seconded by Jim Mankowski, that concealed weapon carry only be authorized for licensed private detectives, not for private security persons. Motion carried unanimously. (9/14/00)

**MOTION:** Ed Byrne moved, seconded by Jim Mankowski, that at the next meeting the Committee will develop a content list for required basic private security training, request that a rule be drafted to mandate such training, identify elements that must be received prior to assignment on a job and the remaining requirements to be received within the first 90 days of employment, and require the agency to provide and certify the completion of that training. Motion carried unanimously. (9/14/00)

**MOTION:** Mark Kirch moved, seconded by Ed Byrne, to recommend that the Firearms Subcommittee develop a revised firearms program to include the five steps of the force option continuum. Motion carried unanimously. (9/14/00)

**MOTION:** Mark Kirch moved, seconded by Mark Harder, to propose a statutory change to require agency license renewals on odd-numbered years and individual license renewals on even-numbered years. Motion carried unanimously. (9/14/00) [Editor's note: As the number of permits for private security personnel continues to expand, the renewal of licenses and permits have become labor-intensive. If a private detective agency has not renewed its license, the licenses or permits of its employees may not be renewed until the agency has renewed. This means that licensing staff have to hold on to the licenses and permits of employees who have sent their renewal applications, and then mail them out after the agency has renewed. This is a sure recipe for more phone calls and confusion.]

### **Notice to Security Company Owners**

There is some, but not total, overlapping of information in the Regulatory Digest for private detectives and the Regulatory Digest for private security persons. Be sure to read both of them.

### **Firearms Advisory Committee**

The Firearms Committee has not met since the last issue of the Regulatory Digest. However, the Private

Security Advisory Committee has requested that the Firearms Committee review the required firearms course and explore the possibility of adding a Defense and Arrest Tactics (DAAT) component to the course.

### **Survey of Licensee Opinions**

We would like to receive your opinion concerning the issues acted on by the advisory committees. Please do not call us on the telephone -- the lines already have heavy traffic. However, please send us a letter, a brief note or an e-mail message. Our e-mail address is on the last page of this digest.

If you write us, please indicate the geographic area in which you operate, the number of licensed employees you have, your opinion about carrying a concealed firearm when on duty as a private detective, the need for state-prescribed pre-license education for private detectives, and the need for mandatory continuing education for private detectives. Do you support having an agency license for those who provide private detective services and a separate agency license for those who provide private security services?

### **Licenses and Permits Needed Before Practice**

It is illegal to place a private detective or a private security person on duty until the department has **actually granted the license or permit**. Simply submitting an application to the department does not in any way authorize the applicant to be working. Many applications are denied due to convictions of crime. Your exposure to liability when putting unlicensed people on duty and when they engage in illegal or unprofessional conduct is tremendous.

### **Applicants Having Convictions**

Private detective agency owners and managers are needlessly wasting their time and money, as well as the time and money of potential employees when the agency owners or managers submit applications for a license or permit to the department for persons whom the owners or managers know have been convicted of a felony. The department may not grant a license to such persons, unless they have been pardoned. Moreover, the department cannot refund the cost of the criminal records check and cannot immediately refund the application fee to a walk-in applicant when the CIB check indicates one or more felony convictions.

# REGULATORY DIGEST

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## Telephone Directory

The telephone number for staff is:

**(608) 266-5511**

After dialing this number you may listen to a menu or you may immediately press one of the following extension numbers:

<b>Application Forms</b>	<b>Press 11</b>
<b>Complaints Against Licensees</b>	<b>Press 12</b>
<b>Whether A Person is Licensed</b>	<b>Press 442</b>
<b>Application Processing &amp; Requirements</b>	<b>Press 43</b>
<b>Changes of Employment</b>	<b>Press 43</b>
<b>FAX Number</b>	<b>608-267-3816</b>

## Visit the Department's Web Site

[www.drl.state.wi.us](http://www.drl.state.wi.us)

For our new "Online Verification of Credential Holders" click on the "Credential Holder Query" button.

Copies of the Regulatory Digest are on the Web.

Send comments to [dorl@drl.state.wi.us](mailto:dorl@drl.state.wi.us)

## Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Rules Relating to the Practice of Private Detectives and Private Security Personnel can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated July 2000.

## Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided, but may be verified by calling the Bureau office one week after mailing the changes.

**SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

## Subscription Service

Bi-annual digest subscriptions are published for all Boards housed within the Department at a cost of \$2.11 each per year. CREDENTIAL HOLDERS RECEIVE THEIR REGULATORY DIGEST FREE OF CHARGE. Others may send the fee and this form to the address listed above.

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